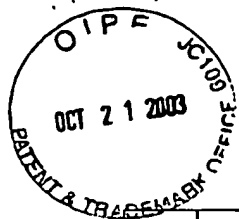
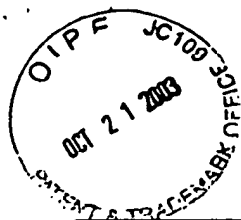


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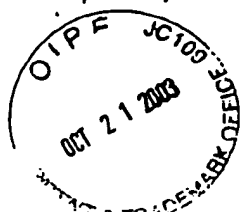
LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)		ATTY. DOCKET NO.		SERIAL NO.			
		7682-053		09/724,427			
		APPLICANT Palese et al.					
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U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
DMC	39	4,786,600	11/22/88	Kramer et al.			
DMC	130	5,166,057	11/24/92	Palese et al.			
DMC	131	5,854,037	12/29/98	Palese et al.			
DMC	132	6,001,634	12/14/99	Palese et al.			
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
							YES NO
DMC	82	EP-A-O 702 085					
	83	EP-A-O 780 475					
	84	WO-A-9 712 032					
	102	WO 97/06270					
	106	WO 98/13501					
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)							
DMC	1	Emerson and Yu, 1975, "Both NS and L Proteins Are Required for In Vitro RNA Synthesis by Vesicular Stomatitis Virus", J. Virol. <u>15</u> : 1348-1356					
	2	Naito and Ishihama, 1976, "Function and Structure of RNA Polymerase from Vesicular Stomatitis Virus", J. Biol. Chem. <u>251</u> : 4307-4314					
	3	Hay et al., 1977, "Transcription of the Influenza Virus Genome", Virol. <u>83</u> : 337-355					
	4	Racaniello et al., 1981, "Cloned Poliovirus Complementary DNA Is Infectious in Mammalian Cells", Science <u>214</u> : 916-919					
	5	Lamb and Choppin, 1983, "The Gene Structure and Replication of Influenza Virus", Ann. Rev. Biochem <u>52</u> : 467-506					
	6	Krug, Transcription and Replication of Influenza Viruses. In: Genetics of Influenza Viruses, Ed., Palese, P. and Kingsbury, D.W. New York, Springer-Verlag, 1983, p. 70-98					
	7	Dreher et al., 1984, "Mutant Viral RNAs Synthesized In Vitro Show Altered Aminoacylation and Replicase Template Activities", Nature <u>311</u> : 171-175					
	7a	Dreher et al., 1988, "Mutational Analysis of the Sequence and Structural Requirements in Brome Mosaic Virus RNA for Minus Strand Promoter Activity", J. Mol. Biol. <u>201</u> : 31-40					
	8	Kaplan et al., 1985, "In Vitro Synthesis of Infectious Poliovirus RNA", Proc. Natl. Acad. Sci. USA. <u>82</u> : 8424-8428					
	9	Kato et al., 1985, "Purification and Enzymatic Properties of an RNA Polymerase-RNA Complex from Influenza Virus", Virus Research <u>3</u> : 115-127					
	10	De and Banerjee, 1985, "Requirements and Functions of Vesicular Stomatitis Virus L and NS Proteins in the Transcription Process In Vitro", Biochem. Biophys. Res. Commun. <u>126</u> : 40-49					



11	Beaton and Krug, 1986, "Transcription Antitermination During Influenza Viral Template RNA Synthesis Requires the Nucleocapsid Protein and the Absence of a 5' Capped End", Proc. Natl. Acad. Sci. USA. <u>83</u> : 6282-6286
12	Levis et al., 1986, "Deletion Mapping of Sindbis Virus DI RNAs Derived from cDNAs Defines the Sequences Essential for Replication and Packaging", Cell <u>44</u> : 137-145
13	Takeuchi et al., 1987, "In Vitro Synthesis of Influenza Viral RNA: Characterization of an Isolated Nuclear System That Supports Transcription of Influenza Viral RNA", J. Biochem. <u>101</u> : 837-845
14	Hsu et al., 1987, Genomic RNAs of Influenza Viruses Are Held in a Circular Conformation In Virions and In Infected Cells by a Terminal Panhandle", Proc. Natl. Acad. Sci. USA. <u>84</u> : 8140-8144
15	Honda et al., "Identification of the RNA Polymerase-Binding Site on Genome RNA of Influenza Virus", J. Biochem. <u>102</u> : 1241-1249
16	Ward et al., 1988, "Direct Measurement of the Poliovirus RNA Polymerase Error Frequency In Vitro", J. Virol. <u>62</u> : 558-562
17	Mirakhur and Peluso, 1988, "In Vitro Assembly of a Functional Nucleocapsid from the Negative-Stranded Genome RNA of a Defective Interfering Particle of Vesicular Stomatitis Virus", Proc. Natl. Acad. Sci. USA. <u>85</u> : 7511-7515
18	Ishihama and Nagata, 1988, Viral RNA Polymerases", CRC Crlt. Rev. Biochem. <u>23</u> : 27-76
19	Shapiro and Krug, 1988, "Influenza Virus RNA Replication In Vitro: Synthesis of Viral Template RNAs and Virion RNAs in the Absence of an Added Primer", J. Virol. <u>62</u> : 2285-2290
20	Honda et al., 1988, "RNA Polymerase of Influenza Virus: Role of NP in RNA Chain Elongation", J. Biochem. <u>104</u> : 1021-1026
21	Szewczyk et al., 1988, "Modification, Thioredoxin Renaturation, and Reconstituted Activity of the Three Subunits of the Influenza A Virus RNA Polymerase", Proc. Natl. Acad. Sci. USA <u>85</u> : 7907-7911
22	Palese, 1977, "The Genes of Influenza Virus", Cell, <u>10</u> : 1-10
23	Bishop et al., 1971, "Transcription of the Influenza Ribonucleic Acid Genome by a Virion Polymerase", J. Virol. <u>8</u> : 66-73
24	Bouloy et al., 1980, "Both the 7-methyl and the 2'-O-methyl Groups in the Cap of mRNA Strongly Influence its Ability to Act as Primer for Influenza Virus RNA Transcription", Proc. Natl. Acad. Sci. USA. <u>77</u> : 3952-3956
25	Ulmann et al., 1983, "Influenza Virus Temperature-Sensitive Cap (m ⁷ GpppNm)-Dependent Endonuclease", J. Virol. <u>45</u> : 27-35
26	Beaton and Krug, 1984, "Synthesis of the Templates for Influenza Virion RNA Replication In Vitro", Proc. Natl. Acad. Sci. USA. <u>81</u> : 4682-4686
27	Kawakami et al., 1981, "RNA Polymerase of Influenza Virus. II. Influence of Oligonucleotide Chain Length on the Priming Activity of RNA Synthesis", J. Biochem. <u>89</u> : 1759-1768
28	Kawakami and Ishihama, 1983, "RNA Polymerase of Influenza Virus. III. Isolation of RNA Polymerase-RNA Complexes from Influenza Virus PR8", J. Biochem. <u>93</u> : 989-996
29	Detjen et al., 1987, "The Three Influenza Virus Polymerase (P) Proteins Not Associated with Viral Nucleocapsids in the Infected Cell Are in the Form of a Complex", J. Virol. <u>61</u> : 16-22
30	St. Angelo et al., 1987, "Two of the Three Influenza Viral Polymerase Proteins Expressed by Using Baculovirus Vectors Form a Complex in Insect Cells", J. Virol. <u>61</u> : 361-365
31	Khan et al., 1987, "Synthetic Templates and the RNA Polymerase of Influenza A Virus", Nucleosides & Nucleosides <u>6</u> : 543-554
32	Krystal et al., 1986, "Expression of the Three Influenza Virus Polymerase Proteins in a Single Cell Allows Growth Complementation of Viral Mutants", Proc. Natl. Acad. Sci. USA. <u>83</u> : 2709-2713
33	Li et al., 1989, "Complementation and Analysis of an NP Mutant of Influenza Virus", Virus Research, <u>12</u> : 97-112
34	Kingsbury, et al., 1987, "Assembly of Influenza Ribonucleoprotein In Vitro Using Recombinant Nucleoprotein", Virol. <u>156</u> : 396-403
35	Rochovsky, 1976, RNA Synthesis by Ribonucleoprotein-Polymerase Complexes Isolated from Influenza Virus", Virol. <u>73</u> : 327-338
36	Robertson et al., 1981, "Polyadenylation Sites for Influenza Virus mRNA", J. Virol. <u>38</u> : 157-163
37	Schreier et al., 1988, "Functional and Structural Analysis of the Ribonucleoprotein Complexes of



		Different Human Influenza Virus Strains", Acta. Virol. <u>32</u> : 289-295
✓	38	Xiong et al., 1989, "Sindbis Virus: An Efficient, Broad Host Range Vector for Gene Expression in Animal Cells", Science, <u>243</u> : 1188-1191
	40	Parvin et al., 1989, "Promoter Analysis of Influenza Virus RNA Polymerase", J. Virol. <u>63</u> : 5142-5152
	41	Luytjes et al., 1989, "Amplification, Expression, and Packaging of a Foreign Gene by Influenza Virus", Cell <u>59</u> : 1107-1113
	42	Enami et al., 1990, "Introduction of Site-Specific Mutations Into The Genome of Influenza Virus", Proc. Natl. Acad. Sci. <u>87</u> : 3802-3805
	43	Ballart et al., 1990, "Infectious Measles Virus from Cloned cDNA", EMBO J. <u>9</u> : 379-384; and its retraction at 8th International Conference on Negative Strand Viruses, 1991, Abstr. 43
	44	Huang et al., 1990, "Determination of Influenza Virus Proteins Required for Genome Replication", J. Virol. <u>64</u> : 5669-5673
	45	Ballart, 1991, "Functional and Nonfunctional Measles Virus Matrix Genes from Lethal Human Brain Infections", J. Virol. <u>65</u> : 3161-3166; and its retraction attached
	46	Enami & Palese, 1991, "High-Efficiency Formation of Influenza Virus Transfectants", J. Virol. <u>65</u> (5): 2711-2713
	47	Muster et al., 1991, "An Influenza A Virus Containing Influenza B Virus 5' and 3' Noncoding Regions on the Neuraminidase Gene is Attenuated in Mice", Proc. Natl. Acad. Sci. USA <u>88</u> : 5177-5181
	48	Enami et al., 1991, "An Influenza Virus Containing Nine Different RNA Segments", Virol. <u>185</u> : 291-298
	49	Park et al., 1991, "Rescue of a Foreign Gene by Sendai Virus", Proc. Natl. Acad. Sci. USA <u>88</u> : 5537-5541
	50	Collins et al., 1991, "Rescue of Synthetic Analogs of Respiratory Syncytial Virus Genomic RNA and Effect of Truncations and Mutations on the Expression of a Foreign Reporter Gene", Proc. Natl. Acad. Sci. USA <u>88</u> : 5537-5541
	51	Macejak, D.G. and Samow, P., 1991, "Internal Initiation of Translation Mediated by the 5' Leader of a Cellular mRNA", Nature <u>353</u> : 90-94
	52	Levis, R. et al., 1987, "Engineered Defective Interfering RNAs of Sindbis Virus Express Bacterial Chloramphenicol Acetyltransferase in Avian Cells", Proc. Natl. Acad. Sci. USA. <u>84</u> : 4811-4815
	53	Chanda, P.K. et al., 1983, "In Vitro Transcription of Defective Interfering Particles of Influenza Virus Produces Polyadenylic Acid-Containing Complementary RNAs", J. Virol. <u>45</u> : 55-61
	54	Fields, S. et al., 1982, "Nucleotide Sequences of Influenza Virus Segments 1 and 3 Reveal Mosaic Structure of a Small Viral RNA Segment", Cell <u>28</u> : 303-313
	55	Pelletier, J. et al., 1988, "Internal Initiation of Translation of Eukaryotic mRNA Directed by a Sequence Derived from Poliovirus RNA", Nature <u>334</u> : 320-325
	56	Hiti, A.L. and Nayak, D.P., 1982, "Complete Nucleotide Sequence of the Neuraminidase Gene of Human Influenza Virus A/WSN/33", J. Virol. <u>41</u> : 730-734
	57	Young et al., 1983, "Efficient Expression of Influenza Virus NS1 Nonstructural Proteins in <i>Escherichia coli</i> ", Proc. Natl. Acad. Sci. USA. <u>80</u> : 6105-6109
	58	Greenspan et al., 1985, "Expression of Influenza Virus NS2 Nonstructural Protein in Bacteria and Localization of NS2 in Infected Eucaryotic Cells", J. Virol. <u>54</u> : 833-843
	59	Lamb et al., 1984, "Expression of Unspliced NS1 mRNA, Spliced NS2 mRNA, and a Spliced Chimera mRNA from Cloned Influenza Virus NS1 DNA in an SV40 Vector", Virology <u>135</u> : 139-147
	60	Kaverin et al., 1975, "A Quantitative Estimation of Poxvirus Genome Fraction Transcribed as 'Early' and 'Late' mRNA", Virology <u>65</u> : 112-119
	61	Cooper et al., 1979, "In vitro Translation of Immediate Early, Early, and Late Classes of RNA from Vaccinia Virus-Infected Cells", Virology <u>96</u> : 368-380
	62	Piccone, M.E. et al., 1993, "Mutational Analysis of the Influenza Virus vRNA Promoter", Virus Res. <u>28</u> : 99-112
	63	Jang, S.K. et al., 1989, "Initiation of Protein Synthesis by Internal Entry of Ribosomes into the 5' Nontranslated Region of Encephalomyocarditis Virus RNA <i>in vivo</i> ", J. Virol. <u>63</u> : 1651-1660
	64	Jang, S.K. et al., 1988, "A Segment of the 5' Nontranslated Region of Encephalomyocarditis Virus RNA Directs Internal Entry of Ribosomes during <i>in vitro</i> Translation", J. Virol. <u>62</u> : 2636-2643
✓	65	Adam, M.A. et al., 1991, "Internal Initiation of Translation in Retroviral Vectors Carrying Picornavirus 5' Nontranslated Regions", J. Virol. <u>65</u> : 4985-4990



✓	66	Alexander, L. et al., 1994, "Polioviruses Containing Picornavirus Type 1 and/or Type 2 Internal Ribosomal Entry Site Elements: Genetic Hybrids and the Expression of a Foreign Gene", Proc. Natl. Acad. Sci. USA. <u>91</u> : 1406-1410
	67	Molla, A. et al., 1992, "Cardioviral Internal Ribosomal Entry Site Is Functional in a Genetically Engineered Dicistronic Poliovirus", Nature <u>356</u> : 255-257
	68	Tsukiyama-Kohara, K. et al., 1992, "Internal Ribosome Entry Site Within Hepatitis C Virus RNA", J. Virol. <u>66</u> : 1476-1483
	69	Both, G.W. et al., 1992, "Relocation of Antigens to the Cell Surface Membrane Can Enhance Immune Stimulation and Protection", Immunol. and Cell Biol. <u>70</u> : 73-78
	70	Naim, H.Y. and Roth, M.G., 1993, "Basis for Selective Incorporation of Glycoproteins into the Influenza Virus Envelope", J. Virol. <u>67</u> : 4831-4841
	71	Javaherian, K. et al., 1990, Science 250:1590-1593
	72	LaRosa, G.J. et al., 1990, Science 249:932-945
	73	Li, S. et al., 1992, J. Virol. <u>66</u> :399-404
	74	Takahashi, H. et al., 1992, Science 255:333-336
✓	75	Taylor, P.M. et al., 1987, Immunogenetics 26:267-272
	76	Peabody and Berg 1986, "Termination-reinitiation occurs in the translation of mammalian cell mRNAs," Mol. Cell Biol. <u>6</u> , 2695-2703
	77	Peabody et al., 1986, "Effect of upstream reading frames on translation efficiency in simian virus 40 recombinants," Mol. Cell Biol. <u>6</u> , 2704-2711
	78	Schnell et al., 1994, "Infectious rabies virus from cloned cDNA," EMBO J. <u>13</u> , 4195-4203
	79	Lawson et al., 1995, "Recombinant vesicular stomatitis viruses from DNA," Proc. Natl. Acad. Sci.. USA <u>92</u> , 4477-4481
	80	Whelan et al., 1995, "Efficient recovery of infectious stomatitis virus entirely from cDNA clones." Proc. Natl. Acad. Sci. USA <u>92</u> , 8388-8392
	81	Ackerman and Berthiaume, 1995, "Atlas of virus diagrams," CRC Press, Boca Raton, 3-5, 7-8, 50-62
	85	Calain and Roux, 1993, J. Virol. <u>67</u> , 4822-4830
	86	Fields et al., 1996, Virology, 3 rd ed., 1313-1351
	87	Yu et al, 1995, J. Virol. <u>69</u> , 2412-2419
	88	Radecke et al., 1995, EMBO J. <u>14</u> :5773-5784 ("Radecke")
	89	Kato et al., 1996, Genes to Cells 1:569-570 ("Kato")
	90	Elliott et al., 1990, J. Gen Virology <u>71</u> :1413-1426 ("Elliott")
	91	Boyer et al., 1994, Virology <u>198</u> :415-426 ("Boyer")
	92	De & Banerjee, 1994, Ind. J. Biochem & Biophys. <u>31</u> :367-376 ("De & Banerjee")
	93	Conzelmann, 1996, J. Gen Viro.. <u>77</u> :381-389 ("Conzelmann")
	94	Durbin et al., 1997, Virology <u>235</u> :323-332 ("Durbin")
	95	Elliott & Bridgen, 1997, Tenth International Conference on Negative-Strand Viruses, Dublin, Ireland. Abstract No. 96 ("Elliott")
	96	Subbarao et al., 1995, J. Virol. <u>69</u> :5969-5977
	97	Castrucci et al., 1995, J. Virol. <u>69</u> : 2725-2728
✓	98	Collins et al., 1995, Proc. Natl. Acad. Sci. USA <u>92</u> :11563-11567



✓	99	Conzelmann, 1998, Annu. Rev. Genet. 32, 123-162
	100	Moyer et al., 1991, J. of Virol. 65, 2170-2178
	101	Roberts et al., 1998, Virology 247, 1-6
	103	Lamb et al. 1996, Fundamental Virology, chapter 21, third edition, Lippincott-Raven Publishers, Philadelphia
	104	Blumberg et al., Function of Paramyxovirus 3' and 5' End-Sequences; In Theory and Practice
	105	Lamb et al., 1996, Fundamental Virology, chapter 20, third edition, Lippincott-Raven Publishers, Philadelphia
	107	Sidhu et al., 1995, Virology 208, 800-807
	108	Rose, 1996, Proc. Natl. Acad. Sci. USA 94, 14998-15000
	109	Conzelmann and Schnell, 1994, J. Virol., 68, 713-719
	110	Hausmann et al., 1996, RNA 2, 1033-1045
	111	Kolakofsky et al., 1998, J. Virol. 72, 891-899
	112	Opposition to European Patent No. 0490972 filed on behalf of American Cyanamid Company
	113	Patentee's Response to Notice of Opposition, dated March 14, 1997
	114	Opponent's Observations, dated October 17, 1997
	115	Patentee's Response to Opponent's Observations
	116	Desselberger's Declaration
	117	Jin's Declaration
	118	Opponent's submissions, dated April 29, 1999
	119	Conzelmann Declaration, dated March 29, 1999
	120	Rose Declaration, dated April 12, 1999
	121	Udem Declaration, dated April 13, 1999
	122	Billeter Declaration, dated April 20, 1999
	123	Interlocutory Decision in Opposition Proceedings of European Patent No. 0490972
	124	Patentee's Grounds for Appeal, submitted July 2001
	125	Radecke et al., 1997, Medical Virology 49-63
	126	Dimock et al., 1993, J. Virol. 67:2772-2778
	127	Collins et al. 1993, Virology 195:252-256
✓	128	Leyrer et al. 1998 J. Virol. Methods 75:47-58



<i>JMC</i>	129	Nagai 1999, Reviews in Medical Virology 9:83-99
<i>JMC</i>	133	Gething et al., 1983, "Expression of Cloned Influenza Virus Genes," <u>The Genetics of Influenza Viruses</u> , Palese et al., eds., Springer, Vienna, Chapter 6, pp. 169-190
EXAMINER <i>Angela McKelvey</i>		DATE CONSIDERED <i>6/26/05</i>
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		